

City Council Introduction: **Monday**, October 20, 2003
Public Hearing: **Monday**, October 27, 2003, at **5:30 p.m.**

Bill No. 03-166

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3408**, from O-3 Office Park District and B-2 Planned Neighborhood Business District to H-4 General Commercial District, requested by Kent Seacrest on behalf of Ridge Development Company and Southview, Inc., on property generally located at the northeast corner of the intersection of S. 27th Street and Yankee Hill Road.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Special Permit No. 2022 (03R-299) and Use Permit No. 134A (03R-300)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/06/03
Administrative Action: 08/06/03

RECOMMENDATION: Approval (9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes').

FINDINGS OF FACT:

1. This change of zone and the associated Special Permit No. 2022 and Use Permit No. 134A at the northeast corner of S. 27th & Yankee Hill Road were heard before the Planning Commission at the same time as Change of Zone No. 3409 and Use Permit No. 149 at the northwest corner of S. 27th & Yankee Hill Road.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.5-7, concluding that the request, with minor modifications to the associated special permit and use permit, generally complies with the Zoning Ordinance and the Comprehensive Plan. The H-4 district is requested to permit auto sales and related uses. The O-3 district would remain across Grainger Parkway from the single family lots to the north as a transitional use. The applicant is intending to "relocate" a portion of the approved B-2 zoning on this site to a smaller site across S. 27th Street, and replacing the B-2 with H-4 zoning that accommodates auto sales uses, with no overall increase in projected traffic generation.
3. The applicant's testimony is found on p.8-9.
4. There was no testimony in opposition.
5. On August 6, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 13, 2003

REVIEWED BY: _____

DATE: October 13, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3408

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 6, 2003 PLANNING COMMISSION MEETING

(**As Revised and Recommended by Planning Commission: 8/06/03**)

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for the special permit and the use permit.

P.A.S.: **Change of Zone #3408** **From O-3 Office Park and B-2 Planned Neighborhood Business to H-4 General Commercial**

Special Permit #2022 To allow Planned Service Commercial in the H-4
Use Permit #134A To amend the existing use permit to allow office.

PROPOSAL: To allow 217,525 square feet of auto sales, auto body repair, auto and truck wash facilities, office, restaurant and financial floor area.

LOCATION: Northeast of the intersection of South 27th Street and Yankee Hill Road.

WAIVER REQUESTS:

1. To allow 0' setbacks for Lots 1 and 2, Block 1, and Lots 1-12, Block 2.
2. To reduce the front setback from 50' to 40' along South 27th Street.
3. To reduce the minimum lot area in the H-4 from 15,000 to 4,000 square feet.

LAND AREA: Approximately 29.63 acres.

CONCLUSION: With minor modifications, this request generally complies with the Zoning Ordinance and the Comprehensive Plan.

RECOMMENDATION:	<u>Change of Zone #3408</u>	<u>Approval</u>
	Special Permit #2022	Conditional Approval
Waivers:		
	0' setbacks	Approval
	Reduce front setback from 50' to 40'	Approval
	Reduce minimum lot area to 4,000 square feet	Approval
	Use Permit #134	Conditional Approval
Waivers:		
	0' setbacks	Approval

Reduce front setback from 50' to 40'

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: CZ#3408 - See attached
SP#2022 and UP#134A - See attached.

EXISTING ZONING: O-3 Office Park and B-2 Planned Neighborhood Business

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Residential under development	R-3
South:	Agriculture	AG
East:	Undeveloped (app'd for attached single-family residential)	R-4
West:	Residential under development	AG, R-4

ASSOCIATED HISTORY:

CPA#03014 - A Comprehensive Plan Amendment approved by the City Council on **July 14, 2003** and by the County Board on **July 15, 2003** locating a community commercial center at the intersection of South 27th Street and Yankee Hill Road.

UP#134 - Approved **April 5, 2002** allowing 316,450 square feet of commercial and office floor area.

PP#00029 and CZ#3298 - The preliminary plat of Pine Lake Heights South 4th was approved on **April 5, 2002**. This preliminary plat included commercial centers near the intersections of both South 27th Street and Yankee Hill Road, and South 40th Street and Yankee Hill Road, and R-3 and R-4 areas for residential development. The change of zone revised the zoning pattern previously approved with CZ#3105.

ANNEX #98005 - Approved **February 3, 1999**, the land within this preliminary plat was annexed along with approximately 450 acres of land southwest of the intersection of South 27th Street and Yankee Hill. An annexation agreement was also approved and subsequently amended **September 1, 2000**.

CZ #3105 - Approved in **February, 1999**, changed the zoning on this site from AG to R-3, R-4, B-2 and O-3.

CPA #94-31 - In **February, 1999**, this comprehensive plan amendment approved the S1/S2 Sub-area Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F 20 - Community Form -Development Principles

- Mix of office, retail and service uses
- Transition of uses; less intense office uses near residential areas
- Multiple vehicular connections between residential neighborhood and commercial center and multiple access points in and out of area

Page F25 - This site is designated for commercial land uses on the Land Use Plan.

Page F27 - Urban Growth Tiers - This site is within the City's Future Service Limit.

Page F38 - General Principles for all Commercial and Industrial Uses - Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages;
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning);
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan;
- in areas compatible with existing or planned residential uses;
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian).

Page F87 - Transportation Planning Principles

- A Balanced Transportation System - The concept of balance also applies to methods of transportation. While the system must function well for motor vehicles, it should also establish public transportation, bicycling, and walking as realistic alternatives now and into the future.

Page F91 - Other Areas

- All areas of the community should have safe, secure and reasonably direct pedestrian connections. Activities of daily living should be available within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnecting streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, and conserve energy.

UTILITIES: All utilities are available to serve this project.

TRAFFIC ANALYSIS: The site has multiple driveways to Grainger Parkway which is a full-turning movement intersection at South 27th Street. There is also access to South 30th Street which is a full-turning movement intersection at Yankee Hill Road. There is direct access to South 27th Street and Yankee Hill Road at both Jamie Lane and Williamson Drive, both of which are limited to right-in and right-out turning movements. Internal access is provided by a private roadway and a public access easement across all drives and parking stalls. South 27th Street is built to the rural cross-section standard; Yankee Hill Road is improved from South 14th Street to 450' beyond South 27th Street - from that point east the street is still a gravel road.

The September 1, 2000 amendment to the 1999 annexation agreement further defines the responsibilities between the City and the developer regarding off-site improvements in this area. Generally, the developer is financially responsible for improving Yankee Hill Road between Wilderness Ridge Drive and 450' east of South 27th Street, and for contributing to the cost of improving South 40th Street from 450' south of Yankee Hill Road north to where the pavement currently ends. Many of the

remaining improvements to South 27th Street and to Yankee Hill Road in this area are the responsibility of the City.

Recommended improvements to the surrounding arterial street system are addressed in the traffic impact study submitted with this request. This study considers both this proposal and the one for a neighborhood business center northwest of the intersection of South 27th Street and Yankee Hill Road. However, Public Works notes in their review that the responsibility for all the recommended improvements in the traffic study has not been addressed, and recommends that the issue be resolved prior to consideration by City Council.

ANALYSIS:

1. When approved in 2002, Use Permit #134 allowed 316,450 square feet of office and commercial floor area. The office uses were located at the north one-third of the site, and the remainder was shown for commercial uses.
2. The floor area within this development has been reduced to 197,750 square and will accommodate an automobile dealership. The difference in floor area from what was previously approved has been moved to the west side of South 27th Street in the Stone Ridge Estates development. That proposal is requesting 151,000 square feet of neighborhood business floor area.
3. This plan shows a proposed layout that includes 197,750 square feet of floor area, however, the applicant is requesting that the approved floor area exceed this amount by 10%. This would provide for a total of 217,525 square feet to allow for minor deviations in building design and tenant preference. This is acceptable provided any increase in floor area above 197,750 up to the maximum 217,525 square feet is subject to review by administrative amendment. Any such request will be required to demonstrate that the increase does not exceed the limits established in the traffic study, and that it complies with all other requirements of the Zoning Ordinance and Design Standards.
4. A portion of the development is located in the O-3 district is subject to a use permit (UP#134A). The remainder is in the H-4 and subject to the requirements of that district and the special permit for planned service commercial. The floor area totals in the conditions of approval are separated out proportionately.
5. The project creates eight lots for commercial development surrounded by an outlot over which a common access easement is granted to the public. The requested waiver is to allow a 0' setback for all yards and allows for this lot configuration. In effect, the lots are building envelopes and structures are allowed to be built to the property line and the outlot provides separation from surrounding properties. This is a typical design strategy for this type of commercial development and the waiver is appropriate.
6. A reduction in the front setback along South 27th Street is requested as consideration for the required dedication for right-of-way. The dedication of 10 additional feet of right-of-way along South 27th Street is needed to help provide the 130' required within 700' of a major intersection.

The same waiver was granted previously for Use Permit #134.

7. A waiver to the minimum lot area in the H-4 is requested from 15,000 to 4,000 square feet in area. As all fourteen lots are surrounded by the same outlot in a development approximately 30 acres in area, this waiver is appropriate.
8. The landscape plan shows required street trees and parking lot landscaping, but does not include the required screening for H-4 adjacent to a residential district. The plan must be revised to show the required screening. As noted in the Parks and Recreation Department review, additional street trees are required at the intersection of Jamie Lane and Williamson Drive and must be included on the revised landscape plan. Individual lot landscape plans will be submitted at the time of building permits per Use Permit Note #1.
9. The bike trail system extends along Yankee Hill Road in this area, and is located on the north side of the street adjacent to this project. If possible, the trail should be pulled away from the street to provide separation between pedestrian/bike and vehicular traffic. A prepared and graded platform must also be shown.
10. To enhance pedestrian access and connectivity with the surrounding residential areas, additional sidewalk connections are needed: three sidewalk connections from Lot 4 to South 30th Street including painted walkways across the parking lot; from Lot 2 to Jamie Lane including painted walkways across the parking lot; and, from Lots 1 and 11 to Jamie Lane including painted walkways across the parking lots.
11. Revisions to the grading and drainage plan and to the utility plan are required per the attached reviews from Public Works and Utilities. Public Works also notes that a waiver to storm water detention has been requested, as on-site detention is not provided on the plan. This is a waiver that may be approved administratively and has been granted by the Director of Public Works.
12. A discrepancy in the metes and bounds legal description was noted during review. It must be corrected prior to this item being forwarded to City Council.
13. Grainger Parkway extends across South 27th Street into the Stone Ridge Estates development. It must be shown on both sides of South 27th Street so correct alignment can be confirmed.
14. Public Works has noted additional revisions to the street layout: The intersection radii at South 27th Street and Jamie Lane, and at Yankee Hill Road and Williamson Drive must show the standard commercial vehicle radii; and, the south access drive to South 30th Street should be moved north to provide for vehicle stacking and reduce congestion at the intersection.
15. Public Works notes in their review that improvements to surrounding arterial streets were addressed in the June, 2003 traffic study for this area, but the assignment of financial responsibility has not been decided. This must occur prior to approval of this request.
16. This request is an appropriate use of land at this location. However, such developments must be designed to both integrate into the neighborhood and be accessible. To this end, the

additional recommended sidewalk connections should be made, and additional screening beyond the minimum required by design standards should be provided between the development and the adjacent residential areas to the east, especially those adjacent to the auto-related businesses.

Additionally, the Comprehensive Plan calls for new commercial development to set a higher standard with regard to design aesthetics and compatibility with surrounding development. A note was included on the plans for Stone Ridge Estates across South 27th Street noting that building materials and exterior treatments for the center are under design and would be submitted prior to the public hearing before the Planning Commission. The same consideration for this development would be beneficial and is encouraged. It is important that the facade of any building along Grainger Parkway not appear to be the back side of the building. Meters, air conditioning units and similar appurtenances should be located at the sides of buildings.

Prepared by:

Brian Will
Planner

July 24, 2003

**APPLICANT/
OWNER:**

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CONTACT:

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**CHANGE OF ZONE NO. 3408;
SPECIAL PERMIT NO. 2022,
PLANNED SERVICE COMMERCIAL CENTER;
and USE PERMIT NO. 134A
(Northeast corner of S. 27th & Yankee Hill Road)
and
CHANGE OF ZONE NO. 3409;
and USE PERMIT NO. 149
(Northwest corner of S. 27th & Yankee Hill Road)**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 6, 2003

Members present: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn.

Staff recommendation: Approval

Ex Parte Communications: Dan Marvin reported that he had a conversation with the applicant.

Proponents

1. Kent Seacrest appeared on behalf of **Ridge Development Company and Southview, Inc.** These proposals are for the northeast and northwest corners of 27th Street and Yankee Hill Road. The northwest corner is already zoned O-3 and B-2. The proposal basically keeps the O-3 and changes the B-2 into H-4 to permit auto dealerships. The west side is then proposed to be designated as B-2, which would then be the neighborhood center and services.

Seacrest reminded the Commission that both of these corners were in front of the Commission during the recent Comprehensive Plan Annual Review and this Commission unanimously recommended both of these reconfigurations, along with commercial further to the south.

With regard to the waiver of the front yard requirement, Seacrest pointed out that the proposal shows front yards up against all the public streets; however, the proposal shows a common parking lot with multiple buildings around that parking lot, and the parking lot is an outlot. The parking is to be shared with a business association. In order to make that outlot, they end up with a building site virtually having no front yard as they abut the parking lot or private roadway. This is a layout that is allowed and staff thought it rational in this case.

Seacrest then addressed the waiver request to reduce the front yard along South 27th Street from 50' to 40'. While the Comprehensive Plan calls for the public way corridor to be 120' right-of-way, it also calls for 130' near the intersections to allow dual left turn lanes. The dilemma is that we have not put those standards into the ordinances and design standards so it is not real clear how it is to

be handled when the city wants additional right-of-way. Seacrest pointed out that the 40' has been allowed in almost every commercial center in the last 10 years.

Seacrest advised that they did have neighborhood meetings, which were not well attended, and he believes the applicant addressed any and all concerns that were raised.

Seacrest then submitted motions to amend the conditions of approval on Special Permit No. 2022, Use Permit No. 134A and Use Permit No. 149. The motion to amend adds Condition #1.1.12 to Special Permit No. 2022, concerning the design standards for the buildings. They do have buildings with double fronts on the street and the common parking area and staff wanted to be sure there was not an ugly back side. Condition #1.1.12 is an attempt to note on the plan such things as the brick, stone, cultured stone, etc. The buildings will be dressed up. This same condition is proposed to be added as Condition #1.1.14 on the Use Permit No. 134A, and also as Condition #1.1.11 on Use Permit No. 149.

With regarding to the landscaping up against the residential neighborhood on the B-2 side, the applicant has agreed with staff to double the trees, which is the proposed amendment to Condition #1.1.2 on Use Permit No. 149. The proposed amendment to Condition #1.1.4 on Use Permit No. 149 deletes the sidewalk connection from Lot 4 to the drive entrance at Grainger Parkway. Staff thought that Lot 4 should have a connectivity to the "big box", but there is another sidewalk that provides sufficient access. Staff has agreed that it would be redundant for sidewalks to be so close to one another.

Seacrest believes that staff agrees with the proposed amendments.

There was no testimony in opposition.

Brian Will of Planning staff agreed with the proposed amendments to the conditions of approval. Steward referred to the added condition regarding the building materials and wondered why they would allow synthetic stucco on this list. Seacrest stated that the synthetic stucco is only allowed on a building over 30,000 sq. ft. The proposed building must meet the speculations of a national car dealer and their prototype for their buildings across the country is a white looking building. It is a situation that they checked out and tried to talk with the national company but they would not "bend" their rules.

CHANGE OF ZONE NO. 3408

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 6, 2003

Bills-Strand moved approval, seconded by Duvall.

Carlson believes the developer did a good job. They did their homework and it shows.

Motion for approval carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes'.

SPECIAL PERMIT NO. 2022

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 6, 2003

Bills-Strand moved to approve the staff recommendation of conditional approval, with the amendments as proposed by the applicant, seconded by Duvall.

Carlson stated that he supports the motion, but he pointed out that the Comprehensive Plan does call for pedestrian connectivity and more pedestrian consideration in commercial areas. He thinks we are starting to see that and he appreciates it.

Motion for conditional approval, with amendments, carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes'.

USE PERMIT NO. 134A

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 6, 2003

Bills-Strand moved to approve the staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Duvall and carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes'.

CHANGE OF ZONE NO. 3409

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 6, 2003

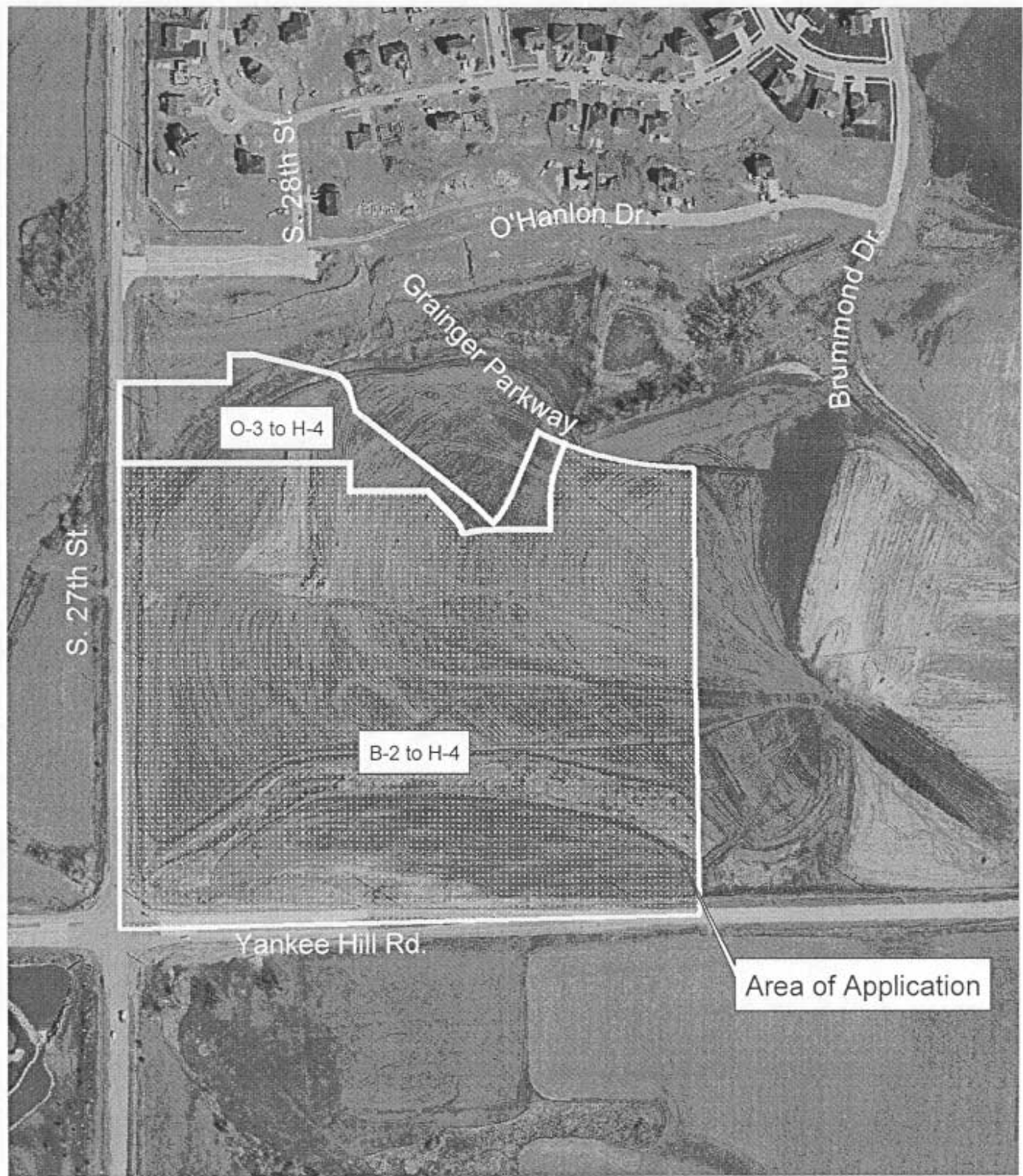
Steward moved approval, seconded by Bills-Strand and carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes'.

USE PERMIT NO. 149

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

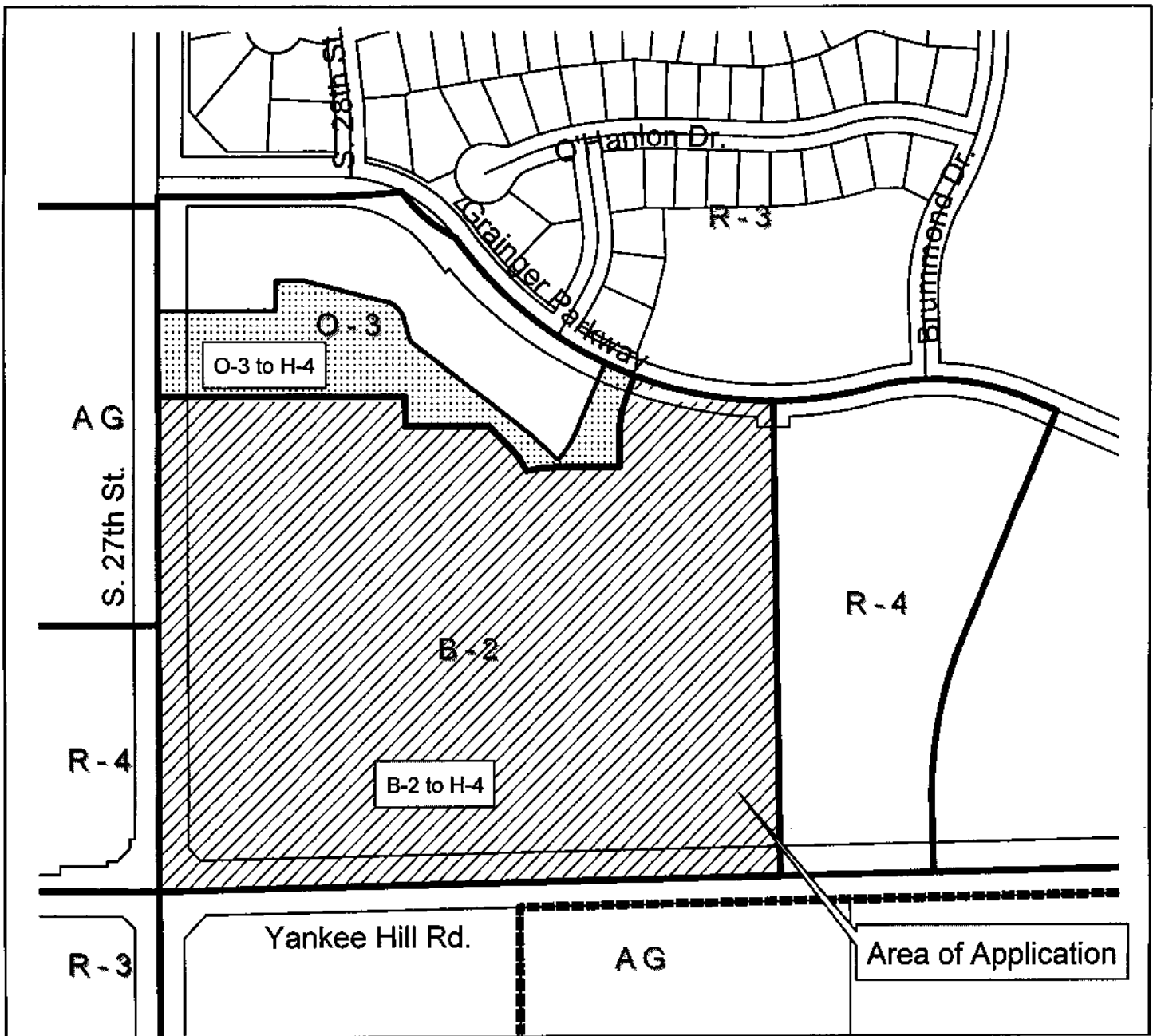
August 6, 2003

Steward moved to approve the staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Bills-Strand and carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Schwinn and Steward voting 'yes'.



**Change of Zone #3408
S. 27th & Yankee Hill Rd.**



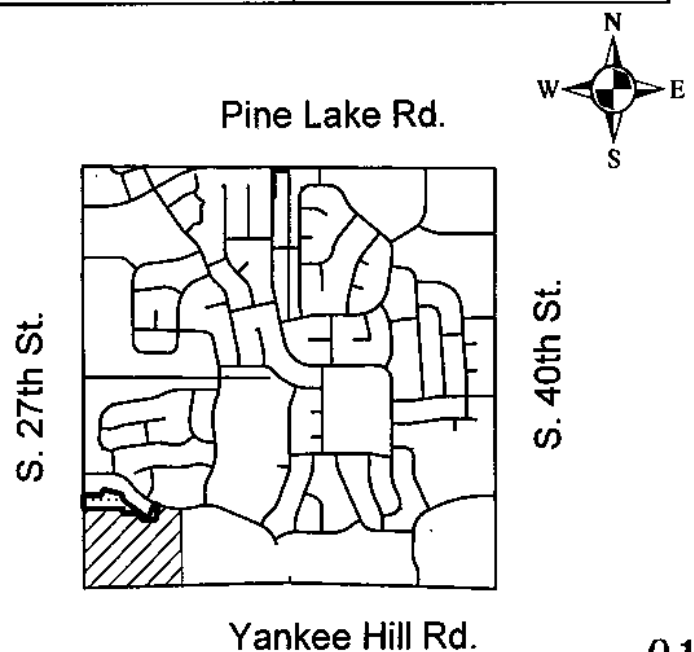
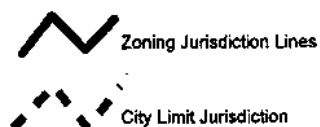


Change of Zone #3408 S. 27th & Yankee Hill Rd.

Zoning:

One Square Mile
Sec. 19 T9N R7E

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District



012

**LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "B-2" TO "H-4"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "E" PINE LAKE HEIGHTS SOUTH 4TH ADDITION, AND A PORTION OF SOUTH 27TH STREET RIGHT-OF-WAY, A PORTION OF GRAINGER PARKWAY RIGHT-OF-WAY, AND A PORTION OF YANKEE HILL ROAD RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 7TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 02 MINUTES 09 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 990.78 FEET TO A POINT, THENCE NORTH 89 DEGREES 57 MINUTES 52 SECONDS EAST, A DISTANCE OF 373.83 FEET TO A POINT, THENCE SOUTH 00 DEGREES 02 MINUTES 08 SECONDS EAST, A DISTANCE OF 60.15 FEET TO A POINT, THENCE NORTH 89 DEGREES 57 MINUTES 52 SECONDS EAST, A DISTANCE OF 296.83 FEET TO A POINT, THENCE SOUTH 45 DEGREES 31 MINUTES 50 SECONDS EAST, A DISTANCE OF 70.95 FEET TO THE POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 104.66 FEET, ARC LENGTH OF 47.40 FEET, DELTA ANGLE OF 25 DEGREES 56 MINUTES 55 SECONDS, A CHORD BEARING OF SOUTH 32 DEGREES 20 MINUTES 33 SECONDS EAST, AND A CHORD LENGTH OF 47.00 FEET TO A POINT, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 300.00 FEET, ARC LENGTH OF 66.64 FEET, DELTA ANGLE OF 12 DEGREES 43 MINUTES 38 SECONDS, A CHORD BEARING OF NORTH 83 DEGREES 15 MINUTES 30 SECONDS EAST, AND A CHORD LENGTH OF 66.50 FEET TO A POINT OF TANGENCY, THENCE NORTH 89 DEGREES 37 MINUTES 19 SECONDS EAST, A DISTANCE OF 125.15 FEET TO A POINT, THENCE NORTH 00 DEGREES 22 MINUTES 41 SECONDS WEST, A DISTANCE OF 63.10 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 200.00 FEET, ARC LENGTH OF 72.98 FEET, DELTA ANGLE OF 20 DEGREES 54 MINUTES 28 SECONDS, A CHORD BEARING OF NORTH 10 DEGREES 04 MINUTES 34 SECONDS EAST, AND A CHORD LENGTH OF 72.58 FEET TO A POINT OF TANGENCY, THENCE NORTH 20 DEGREES 31 MINUTES 48 SECONDS EAST, A DISTANCE OF 51.31 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF GRAINGER PARKWAY RIGHT-OF-WAY, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE

DIRECTION, HAVING A RADIUS OF 800.00 FEET, ARC LENGTH OF 291.13 FEET, DELTA ANGLE OF 20 DEGREES 51 MINUTES 01 SECONDS, A CHORD BEARING OF SOUTH 79 DEGREES 53 MINUTES 43 SECONDS EAST ALONG THE CENTER LINE OF SAID RIGHT-OF WAY, AND A CHORD LENGTH OF 289.52 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF FUTURE SOUTH 30TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 19 MINUTES 13 SECONDS EAST ALONG THE CENTER LINE OF SAID FUTURE RIGHT-OF-WAY, A DISTANCE OF 415.97 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 5000.00 FEET, ARC LENGTH OF 80.39 FEET, DELTA ANGLE OF 00 DEGREES 55 MINUTES 16 SECONDS, A CHORD BEARING OF SOUTH 00 DEGREES 46 MINUTES 52 SECONDS EAST ALONG CENTER LINE OF SAID FUTURE RIGHT-OF-WAY, AND A CHORD LENGTH OF 80.39 FEET TO A POINT OF TANGENCY, THENCE SOUTH 01 DEGREES 14 MINUTES 30 SECONDS EAST ALONG THE CENTER LINE OF SAID FUTURE RIGHT-OF-WAY, A DISTANCE OF 458.42 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, THENCE SOUTH 88 DEGREES 45 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,266.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,178,567.54 SQUARE FEET OR 27.06 ACRES, MORE OR LESS.

May 15, 2003
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**LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "O-3" TO "H-4"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "E" PINE LAKE HEIGHTS SOUTH 4TH ADDITION, AND A PORTION OF SOUTH 27TH STREET RIGHT-OF-WAY, AND A PORTION OF GRAINGER PARKWAY RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 7TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 02 MINUTES 09 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 990.78 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE CONTINUING NORTH 00 DEGREES 02 MINUTES 09 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 172.01 FEET TO A POINT, THENCE NORTH 89 DEGREES 57 MINUTES 52 SECONDS EAST, A DISTANCE OF 238.59 FEET TO A POINT. THENCE NORTH 00 DEGREES 29 MINUTES 28 SECONDS EAST, A DISTANCE OF 60.80 FEET TO A POINT, THENCE NORTH 89 DEGREES 57 MINUTES 52 SECONDS EAST, A DISTANCE OF 55.43 FEET TO A POINT, THENCE SOUTH 75 DEGREES 54 MINUTES 57 SECONDS EAST, A DISTANCE OF 173.43 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 50.00 FEET, ARC LENGTH OF 52.65 FEET, DELTA ANGLE OF 60 DEGREES 19 MINUTES 54 SECONDS, A CHORD BEARING OF SOUTH 45 DEGREES 45 MINUTES 00 SECONDS EAST, AND A CHORD LENGTH OF 50.25 FEET TO A POINT OF TANGENCY, THENCE SOUTH 15 DEGREES 35 MINUTES 02 SECONDS EAST, A DISTANCE OF 45.78 FEET TO A POINT, THENCE SOUTH 52 DEGREES 39 MINUTES 47 SECONDS EAST, A DISTANCE OF 316.32 FEET TO A POINT, THENCE SOUTH 46 DEGREES 55 MINUTES 10 SECONDS EAST, A DISTANCE OF 67.29 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 200.00 FEET, ARC LENGTH OF 68.31 FEET, DELTA ANGLE OF 19 DEGREES 34 MINUTES 10 SECONDS, A CHORD BEARING OF NORTH 33 DEGREES 17 MINUTES 45 SECONDS EAST, AND A CHORD LENGTH OF 67.98 FEET TO A POINT, THENCE NORTH 23 DEGREES 30 MINUTES 40 SECONDS EAST, A DISTANCE OF 148.95 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF GRAINGER PARKWAY RIGHT-OF-WAY, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 800.00 FEET, ARC LENGTH OF 64.71 FEET, DELTA ANGLE OF 04 DEGREES 38 MINUTES

03 SECONDS, A CHORD BEARING OF SOUTH 67 DEGREES 09 MINUTES 11 SECONDS EAST ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 64.69 FEET TO A POINT, THENCE SOUTH 20 DEGREES 31 MINUTES 48 SECONDS WEST, A DISTANCE OF 51.31 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 200.00 FEET, ARC LENGTH OF 72.98 FEET, DELTA ANGLE OF 20 DEGREES 54 MINUTES 28 SECONDS, A CHORD BEARING OF SOUTH 10 DEGREES 04 MINUTES 34 SECONDS WEST, AND A CHORD LENGTH OF 72.58 FEET TO A POINT OF TANGENCY, THENCE SOUTH 00 DEGREES 22 MINUTES 41 SECONDS EAST, A DISTANCE OF 63.10 FEET TO A POINT, THENCE SOUTH 89 DEGREES 37 MINUTES 19 SECONDS WEST, A DISTANCE OF 125.15 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 300.00 FEET, ARC LENGTH OF 66.64 FEET, DELTA ANGLE OF 12 DEGREES 43 MINUTES 38 SECONDS, A CHORD BEARING OF SOUTH 83 DEGREES 15 MINUTES 30 SECONDS WEST, AND A CHORD LENGTH OF 66.50 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 104.66 FEET, ARC LENGTH OF 47.40 FEET, DELTA ANGLE OF 25 DEGREES 56 MINUTES 55 SECONDS, A CHORD BEARING OF NORTH 32 DEGREES 20 MINUTES 33 SECONDS WEST, AND A CHORD LENGTH OF 47.00 FEET TO A POINT OF TANGENCY, THENCE NORTH 45 DEGREES 31 MINUTES 50 SECONDS WEST, A DISTANCE OF 70.95 FEET TO A POINT, THENCE SOUTH 89 DEGREES 57 MINUTES 52 SECONDS WEST, A DISTANCE OF 296.83 FEET TO A POINT, THENCE NORTH 00 DEGREES 02 MINUTES 08 SECONDS WEST, A DISTANCE OF 60.15 FEET TO A POINT, THENCE SOUTH 89 DEGREES 57 MINUTES 52 SECONDS WEST, A DISTANCE OF 373.83 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 148,387.94 SQUARE FEET OR 3.41 ACRES, MORE OR LESS.

May 15, 2003

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July 25, 2003

HAND DELIVERY

Brian Will
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508

RE: Stone Ridge Estates Commercial Center and Pine Lake Heights South 4th Addition

Dear Brian:

The purpose of this letter is to clarify the amount of commercial square footage that is being requested for each of the above sites. Ridge Development Company and Southview, Inc. are requesting the ability to construct up to 166,100 square feet of commercial uses on the Stone Ridge Estates Commercial Center. This represents 110% of the 151,000 square feet of commercial uses currently shown on the site plan. Ridge Development Company and Southview, Inc. are requesting the ability to construct up to 217,525 square feet of commercial uses within Pine Lake Heights South 4th Addition. This number also represents 110% of the square footage of commercial uses currently shown on the site plan.

If you have any questions or need any additional information, please give me a call.

Very truly yours,


DANAY KALKOWSKI
For the Firm

Enclosure

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May 15, 2003

HAND DELIVERY

Marvin Krout
Planning Director
County-City Building
555 South 10th
Lincoln, NE 68508

RE: Submittals for S. 27th Street and Yankee Hill Road Commercial Center

Dear Marvin:

Our law firm represents Ridge Development Company ("Ridge") and Southview, Inc. ("Southview"), the owners of the following tracts of property:

(i) NE Tract: a 30 acre tract located on the northeast corner of S. 27th Street and Yankee Hill Road. This Tract is currently zoned O-3 and B-2 and is subject to existing Use Permit No. 134.

(ii) NW Tract: a 16 acre tract located northwest of the S. 27th Street and Yankee Hill Road intersection. The major road entrance into this tract is approximately one-fourth mile north of the intersection of S. 27th Street and Yankee Hill Road at Grainger Parkway. This Tract is currently zoned AG.

Ridge and Southview are submitting applications for both the NE Tract and the NW Tract at the same time so that they can be reviewed together. Both Tracts are part of the Commercial Center designation currently shown in the Comprehensive Plan Annual Review as Comprehensive Plan Proposed Amendment No. 14.

NE TRACT

Ridge and Southview are requesting a slight reconfiguration of the O-3 zoning lines on the NE Tract, as well as a change of zone from B-2 to H-4. An amendment to existing Use Permit No. 134 is requested for the O-3 area showing office and a bank uses. A special permit for planned service commercial is requested for the H-4 area. The planned service commercial development includes a mix of retail uses, restaurants and a full service automobile dealership. The O-3 and H-4 areas show a combined total of 211,600 square feet.

In addition, Ridge and Southview are requesting a zoning text amendment to the planned service commercial special permit provision to allow automobile/truck wash facilities as an approved use within a planned service commercial development. Automobile/truck wash

facilities are permitted as a conditional use in the H-2 and H-3 zones, and automobile wash facilities are permitted as a conditional use in the B-2 zone and a permitted use in the B-5 zone. Automobile, motorcycle, and four-wheel truck sales, along with automobile repair, including vehicle body repair shops, are approved uses with a planned service commercial development. We think it is appropriate to allow automobile/truck wash facilities to also be located in the H-4 zone as part of a planned service commercial development. Because a planned service commercial development is a permitted special use in the H-4 zone, the City will have an opportunity to review site plans for automobile/truck wash facilities to insure it is compatible with abutting land uses.

We are requesting that the following waivers be added to the above mentioned project:

1. *To reduce the required front yard setback from 50' to 40' along South 27th Street and Yankee Hill Road in the H-4 zone.*

An additional 10' of right of way is being dedicated for South 27th Street and Yankee Hill Road. There is additionally a 10' pedestrian and landscape easement being dedicated. We are requesting a corresponding setback waiver for this 10' right of way dedication.

2. *A waiver of the internal yard setbacks to 0' for lots 1 thru 12, block 2.*

The proposed lots are surrounded by Outlot "A" that accounts for all parking and setback requirements.

3. *To waive the minimum lot sizing in the H-4 zoning from 15,000 SF to 4,000 SF.*

This waiver is in conjunction with waiver request #2. The proposed lots are surrounded by Outlot "A" that accounts for all parking and setback requirements. The lots are specifically for the buildings and are therefore substantially smaller.

Enclosed please find the following information supporting the requests for the NE Tract:

1. City of Lincoln Zoning Application
2. Certificate of Ownership
3. Application fee in the amount of \$1,365
4. 21 copies of the site plans
5. 9 copies of the grading/drainage plan
6. 9 copies of the landscape plan
7. 9 copies of the profile sheet

NW TRACT

Ridge and Southview are requesting a change of zone from AG to B-2 for the NW Tract, as well as a use permit for a 151,000 square feet neighborhood center. The neighborhood center contains a mix of uses including a grocery store.

We are requesting that the following waivers be added to the above mentioned project:

1. *To allow parking aisles to abut the private roadway.*

To maintain vehicular circulation through the site, the private roadway is shown along the front of the large Grocery / Commercial / Restaurant building. This private roadway intersects the driving aisles of the parking lot to the east. The private roadway has been discussed with Dennis Bartels at Public Works.

2. *A waiver to the design standards of Lincoln to not construct a sidewalk on the east side of South 26th Street (Private Roadway).*

This waiver is in conjunction with waiver request #1. Adequate room is not available to provide a sidewalk on the east side of South 26th Street due to the parking lot islands and drive aisles.

3. *A waiver to the design standards of Lincoln to allow curve "3" to have a radius of less than 150'*

The private roadway turns approximately 90 degrees at curve "3", however, a 30' driveway continues westward along the southern side of lots 1 and 2. This intersection functions as a "T" intersection rather than a 90 degree bend. The curve waiver has been discussed with Dennis Bartels at Public Works.

4. *A waiver of the internal yard setbacks to 0' for lots 1 thru 8, block 1.*

The proposed lots are surrounded by Outlot "A" that accounts for all setback requirements.

5. *To reduce the required front yard setback from 50' to 40' along 27th Street.*

An additional 10' of right of way is being dedicated for South 27th Street. This increases the South 27th Street right of way to 60' (measured from centerline). There is an additional 10' pedestrian and landscape easement being dedicated. We are requesting a corresponding waiver for the 10' right of way dedication from the required 50' setback.

Enclosed please find the following information supporting the requests for the NE Tract:

1. City of Lincoln Zoning Application
2. Certificate of Ownership
3. Application fee in the amount of \$1,170
4. 21 copies of the site plans
5. 9 copies of the grading/drainage plan
6. 9 copies of the landscape plan
7. 9 copies of the profile sheet

Olsson Associates has been working with Public Works to complete a traffic study that encompasses the uses on both the NE Tract and NW Tract. The traffic study will be submitted under separate cover next week.

We look forward to working with you on these projects. If you have any questions regarding the above, please call me or Kent Seacrest at the number listed above, or Mark Palmer with Olsson Associates.

Yours very truly,


DANAY KALKOWSKI
For the Firm

Enclosure

cc: Mayor-Elect Coleen Seng
Council Member Jonathan Cook
Ridge Development Company
Southview, Inc.
Jerry Williamson
Jim Williamson